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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 ALLEN DALE VERGARA,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL SECURITY,

12 Defendant.

Case No. C20-5955-MLP

ORDER

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14 On June 14, 2021, this Court issued an Order to Show Cause (dkt. # 7) requesting
15 Plaintiff to demonstrate why the Court should not dismiss the complaint in this matter for failure
16 to prosecute. (Dkt. # 7). On June 18, 2021, Plaintiff filed his response. (Dkt. ## 8, 9.)

17 Plaintiff's response indicates that though service was effectuated on December 10, 2020,
18 it was recently discovered Plaintiff mistakenly served the U.S. Attorney for Oregon, instead of
19 Washington state. (Dkt. # 9 at ¶¶ 2-4.) Plaintiff has since contacted Defendant and Defendant has
20 represented to Plaintiff that the transcript for this matter is ready and can be filed upon proper
21 service. (*Id.* at ¶ 5.) Plaintiff has also re-sent service by certified mail. (*Id.* at ¶ 6.) Plaintiff
22 therefore requests the deadline for service be extended to July 2, 2021, to obtain and submit
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1 proof of service and that Defendant be allowed a reasonable time to file an answer thereafter. (*Id.*
2 at ¶ 7.)

3 Under Rule 4(m), the Court may dismiss an action without prejudice if a plaintiff fails to
4 effect proper service within 90 days of filing the complaint. Fed. R. Civ. P. 4(m). However, if
5 Plaintiff shows good cause for the failure, the Court must extend the time for service for an
6 appropriate period. *Id.*; see *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007) (“District
7 courts have broad discretion to extend time for service under Rule 4(m).”).

8 Based on Plaintiff’s Response to this Court’s Order to Show Cause (dkt. # 8), and finding
9 good cause, the Court hereby ORDERS that Plaintiff shall have until **July 6, 2021**, to effect
10 proper service to Defendant and to file proof of service with the Court. Defendant shall have
11 **sixty (60)** days from its receipt of service to file its Answer.

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13 Dated this 21st day of June, 2021.

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16 MICHELLE L. PETERSON
17 United States Magistrate Judge
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